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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,363	08/22/2000	Nikolai K.N. Leung	PA000375	8458

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Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER

DUONG, DUC T

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 07/02/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/643,363

Applicant(s)

LEUNG, NIKOLAI K.N.

Examiner

Duc T. Duong

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12, 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 13, 14 and 16 is/are rejected.
- 7) ☒ Claim(s) 15 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4&5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamalainen et al (U.S. Patent 5,978,386) in view of Terho et al (6,507,590 B1).

Regarding to claim 13, Hamalainen discloses a wireless communication device 3 (Fig. 1) for transporting packetized voice traffic and data traffic over a circuit-switched network and a packet-switched network, comprising means for generating a payload data packet from an internet protocol IP packet (Fig. 4A-B col. 8 lines 15-18); aligning the payload data packet to a circuit-switched frame (Fig. 4C-D col. 8 lines 18-24); and transmitting the circuit-switched frame over-the-air to a base station (col. 8 lines 28-32).

Hamalainen fails to teach for the wireless device comprising a processor; and a storage element coupled to the processor comprising an instruction set executable by the processor.

However, Terho discloses a mobile station comprising a control unit (processor) 35; and a PCMIA connector (storage element) 19 coupled to the processor comprising an instruction set executable by the processor (Fig. 5 col. 5 lines 33-38 and col. 6 lines 24-32).

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of the invention, to include the mobile station as taught by Terho since it is well known in the art such mobile station comprises processor and storage element in the operation of the device.

Regarding to claim 16, Hamalainen discloses a packet data serving node PDSN (Fig. 1) for transporting of packetized voice traffic and packetized data traffic over a wireless communication network, comprising means for receiving an internet protocol IP packet (Fig. 4E col. 8 lines 32-37); compressing the IP packet to form a payload data packet (col. 8 lines 60-63); aligning the payload data packet to a voice frame (col. 8 lines 57-60); and transmitting the circuit-switched frame over-the-air to a base station (col. 8 lines 41-45).

Hamalainen fails to teach for the PDSN comprising a processor and a storage element coupled to the processor comprising an instruction set executable by the processor.

However, Terho discloses a mobile station comprising a control unit (processor) 35; and a PCMIA connector (storage element) 19 coupled to the processor comprising an instruction set executable by the processor (Fig. 5 col. 5 lines 33-38 and col. 6 lines 24-32).

Thus, it would have been obvious to one of ordinary skilled in the art, at the time of the invention, to include the mobile station as taught by Terho in Hamalainen's system since it is well known in the art such mobile station comprises processor and storage element in the operation of the device.

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Regarding to claim 14, Hamalainen discloses all the limitation with respect to claim 16, except for the transporting of packetized voice traffic and packetized data traffic of the communication device is arrange in a base station. However, to arrange such device in a base station would have been obvious to one of skilled in the art since such arrangement is a matter of choice because its serve for the same purpose, and its does not constitute any inventive concept.

***Allowable Subject Matter***

3. Claims 15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 1-12, 18, and 19 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or make the step or means for "extracting the payload data packet from the circuited-switched frame at the wireless communication device and generating a new IP packet from the payload data packet", especially when the extracting and generating are considered within the specific structure recited in the method of claims 1 and 10 or the devices of claims 18 and 19.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-Th (8:30 AM-5:30 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

DD  
June 26, 2003



Handwritten signature and date: 6/28/03